UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/405,981	09/27/1999	GUIDO M. SCHUSTER	99.595	1108

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EXAMINER
BROWN, CHRISTOPHER J

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.		Applicant(s)	
Office Action Summary	09/405,981		SCHUSTER ET AL.	
	Examiner		Art Unit	
	Christopher J Brown		2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 November 2003*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22 and 24* is/are rejected.

7)☒ Claim(s) *23, 25-30* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *22*.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/12/03 have been fully considered but they are not

persuasive. With respect to claims 1-6, and 14-22, the applicant argues that the

combination of Berger, Oran and Bellovin lacks motivation.

Examiner cites that the communication devices communication in Bergler over an ISDN

network, (Fig 1). Oran discloses that Voice over IP is used, (Col 1 line 23, Col 3 line 5).

It would be obvious from knowledge generally available to one of ordinary skill in the art

to use the Voice over IP protocol with an ISDN network.

Bergler discloses that a password may be used to prevent unauthorized access. Bellovin

discloses that the password may be used as an encryption key. It would be obvious to

one of ordinary skill in the art from general knowledge to use a password as an

encryption key to secure communications. Therefore claims 1-6, and 14-22 are rejected.

As per claims 14-22 Bergler discloses that the PID's (PC, PDA) have two-way

communication, (Col 3 line 59- Col 4 line 3). Motivation to include Oran and Bergler

as stated above are the same, Oran discloses that Voice over IP is used, (the Col 1 line 23,

Col 3 line 5). It would be obvious from knowledge generally available to one of

ordinary skill in the art to use the Voice over IP protocol with an ISDN network.

Bergler discloses that a password may be used to prevent unauthorized access. Bellovin

discloses that the password may be used as an encryption key. It would be obvious to

one of ordinary skill in the art from general knowledge to use a password as an

encryption key to secure communications.

As per claims 7-10, 13, and 24, In response to applicant's argument that the examiner has

combined an excessive number of references, reliance on a large number of references in

a rejection does not, without more, weigh against the obviousness of the claimed

invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

PREVIOUS DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Applicant

uses internet addresses in the specification on page 10, line 20, page 11 lines 24, and

26. These addresses cannot be written in the specification. A typo "On" appears on

page 39 line 17, the examiner interprets this as "One".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6, and 14-22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bergler US 5,646945 in view of Oran US 6,275,574 in view

of Bellovin US 5,241,599.

2. As per claim 1, Bergler discloses a data network to provide data connectivity

for a plurality of data communications, (Col 1 line7). Bergler discloses a first and

second data network telephone, (Col 3 lines 4-8). Bergler discloses a first

portable information device, PID, (communications installation), registered to the

first data network telephone, comprising a GUI, and has the capability to

communicate to and from the first data network telephone, (Col 3 lines 8-20, 60-

63). A second PID, (PC), is connected through a second data network

telephone, and has the capability to communicate to and from the second data

network telephone, (Col 3 lines 22-24). Bergler discloses that PID 1 can

communicate to PID 2, (Col 4 lines 4-8).

Bergler does not disclose voice-over-data packets. Bergler does not disclose the

PIDs communicating encryption information.

Oran discloses that the network the telephones are connected to uses voice-

over-data packets (VoIP), (Col 1 lines 23, Col 3 line 5).

It would be obvious to one skilled in the art to modify Bergler's PID

communication system with Oran's VoIP, because VoIP is can transmit and

receive data much faster than a standard telephone system.

Bellovin discloses encryption data that the PID's may communicate to each other

to secure a channel, (Col 3 lines 52-57, Col 5 lines 9-11, Col 14 lines 26-30).

It would be obvious to one skilled in the art to modify Bergler's PID communication system with Bellovin's encryption system because it enhances the security of data communications.

As per claim 2, Bergler does not disclose voice over data. Bergler does not disclose an encrypted channel where each user has a user identifier.

Oran discloses Voice over IP, (Col 1 line 23).

Bellovin discloses sending an ID with encryption data, (Col 5 line 30).

It would have been obvious to one skilled in the art to modify Bergler with the user ID of Bellovin, so that the communicating parties know who they are communicating with.

As per claim 3, Bergler does not disclose a device identifier.

Bellovin does not disclose a device identifier.

Oran discloses each telephone includes a device identifier, (phone number or addresses), (Col 1 line 60).

As per claim 4, Bergler does not disclose a device identifier.

Bellovin does not disclose a device identifier.

Oran discloses the device identifier include IP addresses, (Col 9 lines 27-33).

As per claim 5, Bergler does not disclose a device identifier.

Bellovin does not disclose a device identifier.

Oran discloses the device identifiers include Session Initiation Protocol addresses,(SAP, SDP, telephone number), (Col 6 lines 6-11).

As per claim 6, Bergler does not disclose a device identifier.

Bellovin does not disclose a device identifier.

Oran discloses the device identifiers include E.164 telephone numbers, (Col 4 line 18).

As per claim 14, Bergler discloses a plurality of PIDs coupled to a network, (Col 4 line 5). Bergler does not disclose encryption.

Oran discloses VoIP (Col 1 line 23).

Bellovin discloses transmitting a request from one PID to a second PID for encryption authentication data, (Fig1, Fig2, Col 5 line 25). Oran discloses PID # 2 receiving the data, (Col 5 line 33). The data must be stored to be used. Oran discloses PID #1 sending encryption data associated with itself, to PID #2, (Col 6 line12). Oran discloses PID #2 receiving the data, (col 6 line15). The data must be stored to be used. Oran discloses PID #2 sending an acknowledgment to PID #1, (Col 6 line 18).

As per claim 15, Bergler discloses a plurality of PIDs coupled to a network, (Col 4 line 5). Bergler does not disclose encryption.

Bellovin discloses sending public key information to the first PID, (Col 5 line 39).

As per claim 16, Bergler discloses a plurality of PIDs coupled to a network, (Col 4 line 5). Bergler does not disclose encryption.

Bellovin discloses a confirmation message to acknowledge the receipt of the encryption data sent from PID #2, (Col 6 line 27).

As per claim 17, Bergler discloses a plurality of PIDs coupled to a network, (Col 4 line 5). Bergler does not disclose encryption.

Bellovin discloses that the confirmation message includes a copy of the data associated with the second PID, to verify that the encryption data associated with PID #2 was received, (Col 6 line 27).

As per claim 18, Bergler discloses a plurality of PIDs coupled to a network, (Col 4 line 5). Bergler does not disclose encryption.

Bellovin discloses that the request includes encryption data from PID #1, (Col 5 line 27).

As per claim 19, Bergler discloses a network comprising a plurality of PIDs coupled to telephones within the network, (col 3 line 10). Bergler does not disclose sharing secrets.

Bellovin discloses transmitting, receiving, and confirming suggested shared secrets, (R), (Col 5 line 39, 44, Col 6 line 11).

As per claims 20, and 21 Bergler discloses a plurality of PIDs coupled to a network, (Col 4 line 5). Bergler does not disclose encryption.

Bellovin discloses the suggested shared secret is generated by a random number generator, or pseudo random number generator, (Col 5 line 34).

As per Claim 22 Oran discloses that the shared secret is from the group consisting of encryption/authentication data and encryption/decryption data, (Col 5 line 8).

Claims 7-9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergler US 5,646945 in view of Oran US 6,275,574 in view of Bellovin US 5,241,599 and in view of Mihm Jr. US 5,249,230.

3.   As per claim 7, Bergler discloses opening a communications channel

between two network telephones, (col 4 line 5). Bellovin discloses an encrypted

channel, (Col 6 line 33).

Oran discloses VoIP, (Col 1 line 23).

Mihm Jr. discloses a database of user identifiers including a first sequence of

alphanumeric elements that identify a user, and a second sequence of

alphanumeric elements that identify a corresponding phone, (Col 5 line 62, Col 6

line 50, Fig 5).

It would have been obvious to modify Bergler's communication system, with

Mihm Jr.'s database of identifiers, for subscription service authentication.

As per claim 8, Bergler does not disclose a communication protocol.

Bellovin does not disclose a communication protocol. Milhm Jr. does not

disclose a communication protocol.

Oran discloses response and request (connection) communicated with SIP, (Col

6 lines 5-15).

As per claim 9, Bergler does not disclose a communication protocol.

Bellovin does not disclose a communication protocol

Oran discloses response and request (connection) communicated with H.323,

(Col 1 line 28).

As per claim 11, and 12 Bergler discloses a PID network, (Col 3 line 6). Bergler

does not disclose a callee identifier.

Oran discloses a callee id (phone number), which is sent in the message to the callee (Col 6 line 5).

As per claim 13, Bergler does not disclose a communication protocol.

Bellovin does not disclose a communication protocol. Milhm Jr. does not disclose a communication protocol.

Oran discloses response and request (connection) communicated with MGCP, (Col 1 line 31).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergler US 5,646945 in view of Oran US 6,275,574 in view of Bellovin US 5,241,599 in view of Mihm Jr. US 5,249,230 and in view of Cave US 6,404,746.

4. As per claim 10, Bergler does not disclose a communication protocol. Bellovin does not disclose a communication protocol. Milhm Jr. does not disclose a communication protocol.

Cave discloses communication with MEGACO, (Col 21 line 46).

It would have been obvious to one skilled in the art to modify Bergler's communication system, with Cave's MEGACO protocol, because the protocol expands the range of packet network options including voice conferencing and whiteboarding.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergler US 5,646945 in view of Oran US 6,275,574 in view of Bellovin US 5,241,599 in view of Bruwer US 5,686,904.

5. As per Claim 24, Bergler, does not disclose accepting a key based on predetermined length. Bruwer discloses a key accepted because it meets a predetermined length requirement, (Col 15 line 65).

It would have been obvious to modify Bergler's communication system with Bruwer's key requirement to enhance the systems security.

Allowable Subject Matter

2. Claims 23, and 25-30 are objected to based on their dependence on rejected claims.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the
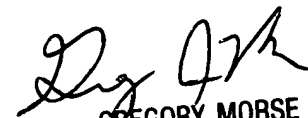
advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Christopher J Brown whose telephone number is 703-305-

8023. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gregory Morse can be reached on 703-308-4789. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Christopher J. Brown

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